



# Request for Approval of Proposed Legislation

<b>CONFIDENTIAL-Government Code §6254(l)</b>	
Department: DELTA PROTECTION COMMISSION	Governor's Office #
Agency Log #	
Subject/Title: DELTA PROTECTION COMMISSION MEMBERSHIP	

**SUMMARY:** This bill would increase Delta Protection Commission (DPC) membership to 24 by adding a member to represent a transportation perspective.

**IDENTIFICATION OF PROBLEM:** Under the Delta Protection Act (Act), and AB 797, (Chapter 547, Statutes of 2006), the Commission membership provides representation for agricultural, habitat, and environmental interests. However, the Land Use and Resource Management Plan for the Primary Zone of the Delta (Management Plan) which was prepared for and adopted by the DPC, includes findings, policies, and recommendations in areas that include infrastructure, utilities, and transportation. Currently the membership of the DPC lacks a transportation perspective to assure the transportation aspects of the Management Plan are effectively addressed.

**PROPOSED SOLUTION:** The addition of a member from Caltrans to the DPC would address the lack of transportation representation. Amending the Act would provide for that addition. As an alternative, the Governor could appoint a transportation representative to the Commission. Also, a transportation representative could be selected from one of the three Delta Council of Governments which have a focus on local transportation, including completion of transportation-driven blue print processes.

Departments Which May Be Affected: CALTRANS	Approved Author:
Suggested Author: TORLAKSON	Governor's Office Use Only: _____ To Legislative Counsel Only By/Date:
Department Director/Date: LINDA FIACK	Governor's Office Use Only: Final: _____ Approved      _____ Disapproved  By: _____ Date: _____
Agency Secretary/Date: MIKE CHRISMAN	

**PROGRAM BACKGROUND/LEGISLATIVE HISTORY:** The Act (1992) provided for the establishment of Primary and Secondary Zones within the Legal Delta, creation of the DPC, and completion of the Management Plan (1995). The seats on the DPC, pursuant to the Act, include: a member of the Board of Supervisors from the five Delta Counties (Yolo, Solano, Sacramento, Contra Costa and San Joaquin); a representative from the three regional governments (Sacramento Area Council of Governments, San Joaquin Council of Governments, and Association of Bay Area Governments); directors from six state agencies (Boating and Waterways, State Lands Commission, Water Resources, Fish and Game, Food and Ag, and Parks and Recreation); and representatives from the North, Central, South and West Delta Reclamation Districts (Delta landowners/farmers).

The Management Plan contains findings, policies and recommendations resulting from background studies in the areas of environment, utilities and infrastructure, land use, agriculture, water, recreation and access, levees, and boating. As mandated by the Act, the policies of the Management Plan are incorporated in the General Plans of local entities having planning authority within the Primary Zone of the Delta.

AB 797 (Wolk) was signed by the Governor in 2006 and provides for the addition of four new members to the Commission. The new members include the Delta representative from CALFED, and three resident stakeholders of the Delta with interests in agriculture, habitat, and recreation. With the exception of the CALFED member, the new members will be appointed by the Governor.

SB 1556 (Torlakson) was signed by the Governor in 2006 and provides for the DPC to facilitate the feasibility and planning process for creation of a Delta Trail which will provide for non-motorized transportation alternatives in the Delta.

#### **JUSTIFICATION:**

- The current membership of the Commission does not provide a transportation perspective relative to roadways and bridges in the Delta and the growing demands of urban users and dwellers on transportation infrastructure.
- Not acting to address this lack of representation would mean that the potential challenges and opportunities relative to transportation in the Delta may not be effectively represented to assure they are considered in DPC actions consistent with the Management Plan.
- The make-up of the Commission to include stakeholders and local and state government representatives is conducive to have an additional State representative from the transportation perspective.
- The seats on the DPC are provided for in the Act, thus any changes to membership must be addressed through legislative amendment.
- The timing of an additional member to represent transportation on the DPC is consistent with the Delta Vision process underway pursuant to the Governor's Executive Order.

**ARGUMENTS PRO AND CON:** Pro: Adding a transportation perspective would: (1) strengthen the DPC's ability to implement the provisions of the Act and the Management Plan, particularly in the areas of infrastructure and utilities relative to transportation corridors

in the Delta; (2) be compatible with the Delta Visioning which the DPC is participating in; and (3) enhance the DPC's authority to influence project development decisions in the Secondary Zone having the potential to impact the Primary Zone, particularly with respect to transportation infrastructure facility demands and impacts.

Con: None anticipated.

**PROBABLE SUPPORT AND OPPOSITION:**

Probable Support: Association of Bay Area Governments; Sacramento Area Council of Governments; San Joaquin Council of Governments; Delta cities and counties; Caltrans; DWR; and Planning and Conservation League.

Opposition: None anticipated.

**FISCAL IMPACT:**

- Minimal relative to increased administration costs for additional membership on the DPC.

**ECONOMIC IMPACT:**

Through the expert input of a transportation perspective, the importance of transportation corridors to the Delta economy would be recognized in DPC actions consistent with the Management Plan.

**COMPARISON WITH OTHER STATES:**

None. This action would be specific to the Sacramento-San Joaquin Delta.

**PERFORMANCE INDICATORS:**

The DPC is required to provide an annual report to the Governor and the Legislature summarizing accomplished implementation of the Act and the Management Plan. The Strategic Plan contains annual task work plans that identify deliverables.

**OTHER AFFECTED AGENCIES AND THEIR ROLES/VIEWS:** Addition of a transportation representative would be compatible with the other state agencies represented on the Commission that include: State Parks, State Lands Commission, Department of Water Resources, Boating and Waterways, Fish and Game, and Food and Ag as all of these departments have programs that rely on the transportation corridors of the Delta.

**APPOINTMENTS:** Under AB 797, signed by the Governor, 3 of the 23 members of the DPC are to be appointed by the Governor. The other seats are established in the Act. This proposed addition would not impact the appointed membership of the DPC.

**LEGISLATIVE STAFF CONTACT**

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